

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**BRUCE A. DYE,  
APPELLANT**

**vs.**

**DEPARTMENT OF MENTAL HEALTH, STATE OF MISSOURI,  
RESPONDENT**

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DOCKET NUMBER WD70567

DATE: APRIL 20, 2010

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Appeal from:

Jackson County Circuit Court  
The Honorable David M. Byrn, Judge

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Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Victor C. Howard and James E. Welsh, JJ.

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Attorneys:

Rebecca L. Kurz, for Appellant

Ronald Q. Smith, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**BRUCE A. DYE, APPELLANT**

**v.**

**DEPARTMENT OF MENTAL HEALTH, STATE OF MISSOURI, RESPONDENT**

WD70567

Jackson County, Missouri

Before Division Two Judges: Joseph M. Ellis, P.J., Victor C. Howard and James E. Welsh, JJ.

Bruce Dye appeals from the circuit court's dismissal of his petition for review of a Missouri Department of Mental Health (DMH) administrative decision to place his name on its disqualification registry.

**REVERSED AND REMANDED.**

**Division Two holds:**

1. The circuit court erred in dismissing Dye's petition for lack of subject matter jurisdiction under ***Webb ex rel. J.C.W. v. Wyciskalla***, 275 S.W.3d 249 (Mo. banc 2009).
2. The circuit court erred in dismissing Dye's petition on the grounds that it was untimely filed because Dye's petition was timely filed when the circuit court received his petition, even though Dye failed to include a filing fee and Form 4 with his filing.
3. Dye's method of serving the DMH with a copy of his petition for review, by facsimile, was sufficient to notify the DMH under § 536.110, particularly when the DMH admitted to receiving a copy of the petition.
4. Dye's petition sufficiently outlined the issues for the court and the opposing party under and Dye was not required to allege the factors outlined in § 536.140.2.

**Opinion by: Joseph M. Ellis, Judge**

Date: April 20, 2010

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